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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/566,987

02/02/2006

Akio Kobayashi

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23850 7590 09/12/2008  
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EXAMINER

VILLECCO, JOHN M

ART UNIT

PAPER NUMBER

2622

MAIL DATE

DELIVERY MODE

09/12/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/566,987	<b>Applicant(s)</b> KOBAYASHI, AKIO	
	<b>Examiner</b> JOHN M. VILLECCO	<b>Art Unit</b> 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3,4,6,7,9 and 10 is/are rejected.
- 7) ☒ Claim(s) 2,5 and 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 February 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Specification*

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. **Claims 1 and 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito (Japanese Publ. No. 05-083625) in view of Yokonuma (PCT No. WO 03/101092 A1).**

4. Regarding *claim 1*, Ito discloses a camera that is capable of capturing a still image during the capture of video image. More specifically and as it relates to the applicant's claims, Ito discloses a first notifying means (flash plate, 8; paragraph 0007) for visually notifying a subject that a photographic operation of a still image is to be performed when a release button (trigger switch, 6) is pushed during the photography of a moving image.

Ito, however, fails to specifically disclose that the notifying means operates when the release button is pressed half-way down or that a photographic operation is performed when the release button is fully pressed. Yokonuma, on the other hand, discloses that it is well known in the art to start photographic preparations for a still image when a release button is pressed

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halfway down and to capture the still image when the release button is fully pressed. More specifically, Yokonuma discloses that during the capture of a moving image, a release button (40) is pressed to begin a still photographing preparation operation. See paragraph 0062. After the CCD has been prepared for photographing, the device monitors for the full depression of the release button (40). When a full press is detected the still image is captured. See Figure 2 and paragraph 0075. Such a preparation operation before the capture of the still image allows for the setting of optimal conditions for the still image capture. Therefore, it would have been obvious to one of ordinary skill in the art to operate the camera of Ito with a release button that operates with a half press for photographing preparations and a full press to capture the image, so that an optimal still image is captured. Furthermore, one of ordinary skill in the art would have found it obvious to pop up the flash of Ito during the half press so that the flash is prepared for the still image capture. (Please note that U.S. Publ. No. 2005/0243179 has been used in this discussion as it is a national stage entry of the PCT used in this rejection and is presumed to have the same disclosure)

5. As for *claim 3*, Ito discloses that the first notifying means is a flash (flash plate, 8) that pops up when the release button is pressed. When taken in consideration with Yokonuma, one of ordinary skill in the art would have found it obvious to pop up the flash during a half press of the shutter button. See the discussion of claim 1 above.

6. **Claims 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito (Japanese Publ. No. 05-083625) in view of Yokonuma (PCT No. WO 03/101092 A1) and further in view of Hayashi et al. (U.S. Patent No. 6,944,345).**

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7. Regarding *claim 4*, as mentioned above in the discussion of claim 1, the combination of Ito and Yokonuma discloses all of the limitations of the parent claim. The aforementioned references however, fail to explicitly disclose that the settings related to the photography operation are displayed in a display portion when the release button is pressed half-way down. Hayashi, on the other hand, discloses that it is well known in the art to display focus settings for the capture of a still image when a release button is pressed halfway down. More specifically, Hayashi discloses in column 7, lines 14-30 that upon the half press of a release button (actuation assembly, 313) a focus area is displayed on the monitor (310) in order to inform the user of the focus position. The focus area is interpreted to be a setting related to the photography operation. Therefore, it would have been obvious to one of ordinary skill in the art to enable a half press of the combined release button of Ito and Yokonuma to effect the display of a focus area setting so that the user is informed of the focus area used in the photographing operation.

8. *Claim 6* is considered substantively equivalent to claim 4. Please see the discussion of claim 4 above.

9. **Claims 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ito (Japanese Publ. No. 05-083625) in view of Yokonuma (PCT No. WO 03/101092 A1) and further in view of Dow et al. (U.S. Publ. No. 2004/0090533).**

10. Regarding *claim 7*, as mentioned above in the discussion of claim 1, the combination of Ito and Yokonuma discloses all of the limitations of the parent claim. The aforementioned references however, fail to explicitly disclose that a focus readjustment operation is performed when the release button is pressed halfway down or a second notifying means for notifying that

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focus is corrected after the readjustment operation is completed. While Yokonuma discloses that the focus and exposure of the camera are locked, he fails to specifically disclose that the focus is readjusted. Dow, on the other hand, discloses that it is well known in the art to perform a focus readjustment operation in a combined still/moving image camera with the half press of a release button. More specifically, Dow discloses a camera (102) with a still image capture trigger (110). When the still image capture trigger is half pressed a focus operation is carried out (paragraph 0020). Such an operation ensures that a highly focused still image is captured at the time of a still image shutter release. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the combined camera of Ito and Yokonuma to perform a focus readjustment operation with the half press of the release button so that a highly focused still image is captured.

Additionally, the combination of Ito and Yokonuma fails to specifically disclose the use of a second notifying means for notifying that the focus operation is complete. Official Notice is taken as to the fact that it is well known in the art to include a notifying means (i.e. LED indication or display icon) for indicating the image is in-focus. Such an indication provides the user with an indication that focus is complete and that the still image capture can be initiated, thereby preventing the capture of an out of focus image. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a second notifying means in the combined camera of Ito, Yokonuma, and Dow to indicate that the focus readjustment operation is complete so that the capture of an out of focus image is prevented.

11. **Claim 9** is considered substantively equivalent to claim 4. Please see the discussion of claim 4 above.

12. **Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ito (Japanese Publ. No. 05-083625) in view of Yokonuma (PCT No. WO 03/101092 A1) and further in view of Hayashi et al. (U.S. Patent No. 6,944,345) and Dow et al. (U.S. Publ. No. 2004/0090533).**

13. Regarding *claim 10*, as mentioned above in the discussion of claim 4, the combination of Ito, Yokonuma, and Hayashi disclose all of the limitations of the parent claim. The aforementioned references, however, fail to explicitly disclose that a focus readjustment operation is performed when the release button is pressed halfway down or a second notifying means for notifying that focus is corrected after the readjustment operation is completed. While Yokonuma discloses that the focus and exposure of the camera are locked, he fails to specifically disclose that the focus is readjusted. Dow, on the other hand, discloses that it is well known in the art to perform a focus readjustment operation in a combined still/moving image camera with the half press of a release button. More specifically, Dow discloses a camera (102) with a still image capture trigger (110). When the still image capture trigger is half pressed a focus operation is carried out (paragraph 0020). Such an operation ensures that a highly focused still image is captured at the time of a still image shutter release. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to allow the combined camera of Ito and Yokonuma to perform a focus readjustment operation with the half press of the release button so that a highly focused still image is captured.

Additionally, the combination of Ito and Yokonuma fails to specifically disclose the use of a second notifying means for notifying that the focus operation is complete. Official Notice is

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taken as to the fact that it is well known in the art to include a notifying means (i.e. LED indication or display icon) for indicating the image is in-focus. Such an indication provides the user with an indication that focus is complete and that the still image capture can be initiated, thereby preventing the capture of an out of focus image. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a second notifying means in the combined camera of Ito, Yokonuma, and Dow to indicate that the focus readjustment operation is complete so that the capture of an out of focus image is prevented.

***Allowable Subject Matter***

14. Claims 2, 5, and 8, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

15. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 2, the primary reason for indication of allowable subject matter is that the prior art fails to teach or reasonably suggest that the first notifying means is a light emitting means which lights up or flashes when the release button is pressed half-way down.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN M. VILLECCO whose telephone number is (571)272-7319. The examiner can normally be reached on Monday-Friday.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571) 272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JOHN M. VILLECCO/  
Primary Examiner, Art Unit 2622  
September 10, 2008